THE HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.NO.8514 OF 2006

DATED: 25.04.2006

BETWEEN:

Dorasetty Siddappa

... Petitioner

and

The Spl. Grade Dy. Collector & Revenue

Divisional Officer, Chevella Division and another

... Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

W.P.NO.8514 OF 2006

ORDER:

The petitioner who is in occupation of land in Survey No.36/1 of Khammam

Nacharam village, Doma Mandal, Rangareddy district, who encroached the Shikam lands, was served with a notice of eviction and after considering the explanation submitted by the petitioner ordered for eviction and resumption of the land to the possession of the Government.

The petitioner, if aggrieved by the said order, either can prefer an appeal under Section 10 of the A.P. Land Encroachment Act to an appellate authority or the assignment, if any, made is cancelled can prefer an appeal under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and if the eviction is passed under Rule 19 of the A.P. Laoni Rules, 1950 an appeal lies under Section 158 of the A.P. Telangana Area Land Revenue Act to the next higher authority.

Since there is a statutory right of the appeal against the order, as referred above, as the petitioner without availing the remedy filed the present writ petition and not pleaded any extraordinary circumstance where he cannot avail the said remedy, the writ petition cannot be entertained.

Since the petitioner moved this Court in the last movement, no interim direction can be granted in his favour.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to move the appellate authority and he can obtain necessary orders in the appeal. If there are any standing crops grown by the petitioner, the respondents are directed to maintain separate account for the same for enabling him to obtain necessary orders from the appellate authority.

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25-04-2006

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